

1 **CITY OF HOMER**  
2 **HOMER, ALASKA**

3 City Manager/  
4 Public Works Director

5 **ORDINANCE 20-43**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING HOMER CITY CODE SECTION 11.08.090 DRIVEWAYS,  
9 ROAD APPROACHES-PROPERTY OF CITY, RELATING TO DRIVEWAY  
10 CONSTRUCTION PERMITS.

11  
12 WHEREAS, Homer City Code Chapter 11.08 governs the design, construction and  
13 maintenance of private driveways that exit onto dedicated City rights-of-way; and

14  
15 WHEREAS, This regulation requires that property owners who desire access to a City  
16 right-of-way obtain a permit and comply with City standards, stating, in HCC 11.08.040(b)  
17 “...[C]ontrol of the location, construction and maintenance of driveways is under the supervision  
18 of the City at all times and that in granting such permit the City waives none of its powers or rights  
19 to direct the removal, relocation and/or property maintenance in the future of any driveway...”;  
20 and

21  
22 WHEREAS, One such standard, HCC 11.08.050(a)(4), is that the driveway may not  
23 “impair the drainage within the street right of way...or materially alter drainage of the adjacent  
24 areas...”, which usually means a culvert must be installed where the private driveway  
25 intersects with the public road; and

26  
27 WHEREAS, HCC 11.08.090 specifies that “...driveways...constructed under permit within  
28 any road rights-of-way shall be the property of the City, but all cost and liability in connection  
29 [with the original installation] therewith, [and] in connection with the maintenance thereof, shall  
30 be at the sole expense of the owner of the property served...” HCC 11.08.090, which creates some  
31 ambiguity; and

32  
33 WHEREAS, As a practical matter, there are times when the City assists in the  
34 maintenance of private driveway culverts, in the interests of the overall drainage system; and

35  
36 WHEREAS, Some Homer citizens have experienced financial hardships due to the Covid-  
37 19 emergency; and

38  
39 WHEREAS, Citizens in the City of Homer contribute tax dollars to the City’s HART Fund;  
40 and

41

42 WHEREAS, The City Council recently created a Small Works Drainage Improvement  
43 Program, funded by the HART-Roads Fund, to address small drainage systems.  
44

45 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
46

47 Section 1. The Homer City Code, Section 11.08.090 Driveways, road approaches-  
48 Property of City, be amended to read as follows:  
49

50 ~~All driveways or road approaches constructed under permit within any road rights-of-~~  
51 ~~way shall be the property of the City, but all cost and liability in connection therewith,~~  
52 ~~in connection with the maintenance thereof, shall be at the sole expense of the owner~~  
53 ~~of the property served thereby.~~  
54

55 **a. All cost and liability in connection with the construction or maintenance of any**  
56 **private driveway or road approach constructed within any road right-of-way**  
57 **shall be at the sole expense of the owner of the property served thereby, unless**  
58 **the City, at its sole discretion, determines a culvert in a private driveway or**  
59 **road approach impairs the broader road/drainage system, in which case the**  
60 **City may replace the culvert, at City expense, or take other remedial measures**  
61 **so long as said culvert was installed in accordance with this Chapter.**  
62

63 **b. In the event such culvert was not installed in accordance with this Chapter, the**  
64 **City may make remedial measures and charge the costs of the remedial**  
65 **measures to the property owner.**  
66

67 Section 2. Costs associated with repair of private driveway culverts will be funded by  
68 the Small Works Drainage Improvement Program.  
69

70 Section 3. This ordinance is of general and permanent nature and shall be included in  
71 the City Code.  
72

73  
74 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 10 day of Aug, 2020.  
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79  
80 ATTEST:

81 Melissa Jacobsen  
82

83 MELISSA JACOBSEN, MMC, CITY CLERK



CITY OF HOMER

Ken Castner  
KEN CASTNER, MAYOR

84 YES: 6  
85 NO: 0  
86 ABSTAIN: 0  
87 ABSENT: 0

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89  
90 First Reading: 6-27-20  
91 Public Hearing: 8-10-20  
92 Second Reading: 8-10-20  
93 Effective Date: 8-11-20

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95 Reviewed and approved as to form:

96   
97 \_\_\_\_\_  
98 Rick Abboud, Interim City Manager

s/Michael Gatti/  
Michael Gatti, City Attorney

99  
100 Date: 8/13/2020

Date: 8/20/2020